



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: April 16, 2014 *(Note: Updated to reflect appointments made to the 3rd Circuit)*
TO: Judicial Candidates
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: **The Redesignation and Elimination of Certain Judicial Positions**

***** IMPORTANT NOTICE *****

This memo provides notice of those “incumbent” judicial positions which have been redesignated as “non-incumbent” positions due to the incumbent’s failure to file for reelection by 5:00 p.m., Monday, March 24, 2014 – the filing deadline imposed on judicial incumbents who wish to gain access to the August 5 primary ballot through the submission of an Affidavit of Candidacy. This notice is provided in compliance with Michigan election law.

In addition, this memo identifies a judicial position which is eliminated by operation of law upon the incumbent’s failure to file for reelection by the March 24, 2014 filing deadline.

Finally, this memo is updated to reflect gubernatorial appointments made to the 3rd Circuit Court on April 15 and 16, 2014.

Background – Redesignated Positions

Michigan election law stipulates that in instances where a candidate for Court of Appeals Judge, Circuit Court Judge, District Court Judge, Probate Court Judge or Probate District Court Judge seeks election in a district where there are a combination of “new” positions, “incumbent” positions and/or “non-incumbent” positions to fill, the candidate must “apply to the Bureau of Elections for a written statement of office designation to correspond to the judgeship sought by the candidate.”

Michigan election law further directs the Bureau of Elections to designate a judicial position as an “incumbent” position in any instance where there is an incumbent judge eligible to seek reelection to the position, and the deadline for filing the Affidavit of Candidacy has not yet elapsed. The Affidavit of Candidacy filing deadline established for the August 5, 2014 primary elapsed at 5:00 p.m. on Monday, March 24, 2014.

If the incumbent judge does not file for reelection by the filing deadline, Michigan election law directs the Bureau of Elections to redesignate the position as a “non-incumbent” position and notify all candidates seeking election in the judicial district that a “non-incumbent” position exists. Michigan election law further stipulates that in such instances, (1) nominating petition sheets circulated for the “non-incumbent” position subsequent to the March 24, 2014 filing deadline “shall bear an office designation of non-incumbent position” and (2) signatures collected prior to the March 24, 2014 filing deadline “may be filed with the non-incumbent nominating petitions.”

In accordance with these provisions, the Bureau of Elections issues this notice of redesignated positions. The redesignations listed below are effective March 25, 2014. **As of this date, candidates are required to place into circulation nominating petitions that include the redesignated position in the heading of the petition.** Signatures collected prior to the March 24, 2014 filing deadline on nominating petitions bearing the initial designation may be filed along with nominating petitions that include the redesignated position.

Listing of Redesignated Judicial Positions – March 25, 2014

The “incumbent” judicial positions which have been redesignated as “non-incumbent” positions are shown below. In each case, *all* positions available are listed to avoid any confusion over the position or positions which have been redesignated.

Initial Designation	Redesignation Eff. 3/25/2014
23rd Circuit Court 1 Regular Term – Incumbent Position	23rd Circuit Court ELIMINATED – See below.
35th Circuit Court 1 Regular Term – Incumbent Position	35th Circuit Court 1 Regular Term – Non-Incumbent Position
2B District Court 1 Regular Term – Incumbent Position	2B District Court 1 Regular Term – Non-Incumbent Position
5th District Court 2 Regular Terms –Incumbent Positions	5th District Court 1 Regular Term –Incumbent Position 1 Regular Term – Non-Incumbent Position
25th District Court 1 Regular Term – Incumbent Position	25th District Court 1 Regular Term – Non-Incumbent Position
63-1 District Court 1 Regular Term – Incumbent Position	63-1 District Court 1 Regular Term – Non-Incumbent Position
77th District Court 1 Regular Term – Incumbent Position	77th District Court 1 Regular Term – Non-Incumbent Position
94th District Court 1 Regular Term – Incumbent Position	94th District Court 1 Regular Term – Non-Incumbent Position

Eliminated Judicial Position – 23rd Judicial Circuit – March 25, 2014

Section 524 of the Revised Judicature Act, 1961 PA 236, MCL 600.524, provides:

600.524 Twenty-third judicial circuit.

Sec. 524. (1) Except as provided in subsection (2), the twenty-third judicial circuit consists of the counties of Alcona, Arenac, Iosco, and Oscoda and has 2 judges. For purposes of the November 2008 general election only, the term of the candidate for circuit judge in this circuit who receives the highest number of votes is 8 years, and the term of the candidate receiving the second highest number of votes is 6 years.

(2) Beginning on the earlier of the following dates, the twenty-third judicial circuit has 1 judge:

(a) The date on which a vacancy occurs in the office of circuit judge in the twenty-third judicial circuit.

(b) The beginning date of the term for which an incumbent circuit judge in the twenty-third judicial circuit no longer seeks election or reelection to that office.

The incumbent judge did not file for reelection to the 23rd Circuit Court by the March 24, 2014 filing deadline. Thus, by operation of law, the “Regular Term - Incumbent Position” that was formerly scheduled to appear on the 2014 ballot for the 23rd Circuit Court will be eliminated upon the expiration of the incumbent judge’s current term, due to his decision to refrain from seeking reelection.

Consequently, and **effective immediately, the Secretary of State will not accept filings for the 23rd Circuit Court**, and the position will not appear on the ballot in 2014.

Additional Redesignated Judicial Positions – 3rd Judicial Circuit – April 15 and 16, 2014

On April 15 and 16, 2014, the Governor appointed four individuals to the 3rd Circuit Court which impacts the designation of positions as follows:

Initial Designation	Redesignation
3rd Circuit Court 2 Partial Term – Incumbent Positions (term ending Jan. 1, 2019), and 1 Partial Term – Non-Incumbent Position (term ending Jan. 1, 2019)	3rd Circuit Court 4 Partial Term – Incumbent Positions (term ending Jan. 1, 2019) <i><u>Explanation:</u></i> With the Governor’s appointment of Thomas Cameron to succeed former Judge Amy Hathaway on April 15, 2014, the single Partial Term – Non-Incumbent Position (term ending Jan. 1, 2019) that was formerly available has switched to a Partial Term – Incumbent Position and is now combined with the other Partial Term – Incumbent Positions of the same length in term (term ending Jan. 1, 2019). In addition, the Governor’s appointment of Catherine Heise to succeed former Judge Parker on April 16, 2014, adds a new Partial Term – Incumbent Position (term ending Jan. 1, 2019) that was not previously scheduled to appear on the ballot in 2014. This addition brings the

	<p>total number of Partial Term – Incumbent Positions for terms ending Jan. 1, 2019 to four.</p> <p>As a result, there are no Partial Term – Non-Incumbent Positions with a term ending date of Jan. 1, 2019 available on the ballot in 2014.</p> <p>EFFECTIVE: April 15, 2014.</p>
<p>3rd Circuit Court</p> <p>1 Partial Term – Incumbent Position (term ending Jan. 1, 2017)</p> <p style="text-align: center;">and</p> <p>1 Partial Term – Non-Incumbent Position (term ending Jan. 1, 2017)</p>	<p>3rd Circuit Court</p> <p>2 Partial Term – Incumbent Positions (term ending Jan. 1, 2017)</p> <p><u>Explanation:</u> With the Governor’s appointment of Alexis Glendening to succeed former Judge Stempien on April 16, 2014, the Partial Term – Non-Incumbent Position (term ending Jan. 1, 2017) that was formerly available has switched to a Partial Term – Incumbent Position and is now combined with the other Partial Term – Incumbent Position of the same length in term (term ending Jan. 1, 2017).</p> <p>EFFECTIVE: April 16, 2014.</p>

In addition, please note that there is no change in the designation of 16 Regular Term, Incumbent Positions with the term ending date of Jan. 1, 2021. Former Judge McCree has been disqualified from seeking re-election as an incumbent, and the individual appointed to fill that position, Edward Joseph, qualified as a candidate by filing an Affidavit of Candidacy and Affidavit of Identity within three days of assuming the duties of office. MCL 168.413a(1). This results in no change in the total number of Regular Term, Incumbent positions available.